

Court No. - 35

Case :- WRIT - A No. - 18550 of 2023

Petitioner :- Smt. Rama Devi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Indra Raj Singh, Adarsh Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Adarsh Singh, learned counsel for the petitioner and Sri Saurabh, the learned Standing Counsel, who appears for Respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 4th respondent.

The case of the writ petitioner is that owing to a leave vacancy arisen due to the availing leave by Sri Kailash Prasad Gupta on 01.11.1994, approval whereof was accorded by the District Inspector of Schools, Etawah (now Auraiya) on 21.01.1995 for the period from 01.11.1994 till 30.06.1995. Thereafter Sri Kailash Prasad Gupta assumed the charge, however, the claim of the writ petitioner for continuance was negated on 17.11.1995, which was subject matter of challenge in Writ-A No.34949 of 1995, in which an interim order was accorded on 06.12.1995 and thereafter the said writ petition came to be disposed of on 09.09.2003 permitting the writ petitioner to continue on the post in question till the regularly selected candidate comes. Thereafter approval order is stated to have been issued by the District Inspector of Schools, Etawah (now Auraiya) on 14.11.2003 and thereafter a pay-fixation order is also stated to have been issued on 20.03.2008.

Grievance of the writ petitioner is that he is entitled to arrears of salary from 01.07.1995 till 08.09.2003, which in turn in pursuance of the approval order as well as the order of the Court.

Sri Saurabh, learned Standing Counsel submits that the issue which the petitioner seeks to raise needs determination at the first instance by the third respondent, District Inspector of Schools, Etawah (now Auraiya), according to him, the writ petitioner may represent his cause before the third respondent. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has

no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent, District Inspector of Schools, Etawah (now Auraiya) along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the fourth respondent and thereafter proceed to consider the grievance of the writ petitioner within a period of three months from the date of production of certified copy of the order.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 2.12.2023

N.S.Rathour